



**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/735,125	02/15/01	MESSIER	P CLW20064-3-2

HM12/0531  
TIMOTHY E. NAUMAN  
FAY, SHARPE, BEALL, FAGAN, MINNICH & MCK  
SUITE 700  
1100 SUPERIOR AVENUE  
CLEVELAND OH 44114-2518

EXAMINER	
KULKOSKY, P	
ART UNIT	PAPER NUMBER

1615  
DATE MAILED: 05/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

BEST AVAILABLE COPY

# Office Action Summary

Application No.

09/735125

Applicant(s)

Pierre Jean Perrin

Examiner

F. Kullosky

Group/Art Unit

1615

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 153 - 158 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 153 - 158 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1615

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 153-158 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer et al 5,176,836 or Frommer et al 5,110,479 each taken alone or in view of Rosenblatt 5,071,648.

It is Known in the art to treat fluids with iodine/exchange resins for antimicrobial action (see Sauer et al. Cols. 1-4; Frommer et al, Col. 5, lines, third paragraph; Rosenblatt, Cols. 19-24). The disinfectant system of the instant claims is an obvious application of the cited Prior Art enablement.

Rosenblatt report iodine antimicrobial effects against many forms of bacteria. Therefore, the use of iodine/exchange resins to treat fluids or "bodily fluid" to kill germs as claimed is obvious, prima facie, in view of the information regarding the effectiveness of these species given in the references. Rosenblatt is enabling for use of polymeric matrixes to release iodine. Improved results for a particular Anion exchange resin are not convincing of unobviousness unless claims are restricted thereto.

References (D)-(i) are cited of interest.

The applicants' Request for interference is noted.

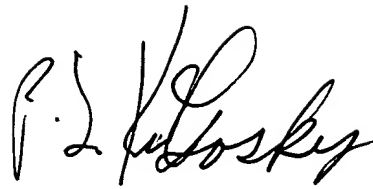
Application/Control Number: 09/735,125

Page 3

Art Unit: 1615

Kulkosky/LR

May 25, 2001

A handwritten signature in black ink, appearing to read "P. F. Kulkosky". The signature is stylized with a large, looped "K" and a distinct "P" and "F" at the beginning.

**PETER F. KULKOSKY  
PRIMARY EXAMINER**